

REMARKS

In the parent case U.S. Application Serial No. 09/847,884 ("Parent Application") now U.S. Patent No. 6,535,764, claims were cancelled without prejudice to expedite issuance of allowed claims. The cancelled claims correspond to Group I identified in the Restriction Requirement dated July 11, 2002 in the Parent Application. This application pursues claims corresponding to Group I as set forth in Restriction Requirement dated July 11, 2002 and as such this application is filed as a divisional of U.S. Application Serial No. 10/290,788 filed on November 7, 2002 which corresponds to claims of Group III identified in the Restriction Requirement dated July 11, 2002.

Cancelled claims 1-3, 13, 14, 16-20, 28, 31-39, 42-55, 58-60, 65, 66, 71-16, 79, 187, 190-193, 195-198, 202-203 and 226-228 in the Parent Application were rejected under 35 U.S.C 102(e) as being unpatentable over U.S. Patent Publication 0103424 A1 to Swoyer et al (hereinafter "Swoyer") having a non-provisional application filing date of January 30, 2002 and a provisional application filing date of January 31, 2001. Additionally, claims 67-70 were rejected under 35 U.S.C. 103(a) as being unpatentable over Swoyer.


Applicants submit that the content of Swoyer was improperly applied as a 102(e) referenced against the Parent Application hereto and would be improperly applied as a 102(e) reference against new claims 237-287 herein, because the subject matter of the Swoyer, except for that disclosed in the provisional application, has an effective filing date of January 30, 2002.

Applicants submit that the Swoyer Provisional Application Serial No. 60/265,513, a copy of which is enclosed herewith does not anticipate nor make obvious claims 237-287 submitted in this

Preliminary Amendment (as well as the claims cancelled without prejudice from U.S. Application Serial No. 09/847,884). In addition Applicants submit that the subject matter of the provisional application does not enable the claimed invention.

Respectfully submitted,

Date: October 23, 2003



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